



NJOIT POLICY

SUBJECT: Code of Ethics

POLICY #: 03-2002

DATE: July 1, 2002

I. PURPOSE

The New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and rules promulgated by the Executive Commission on Ethical Standards (N.J.A.C. 19:61-1.1 et seq.) establish specific standards of conduct for state employees and officers. Those standards and the provisions of this Code of Ethics are applicable to all temporary and permanent personnel in the career, unclassified and senior executive services and are deemed to have been accepted as a condition of employment by any individual who continues to be or becomes an employee of the NJOIT.

II. DEFINITIONS

- A. "Code" means this Code of Ethics.
- B. "Employee" means any compensated person holding full or part-time employment with the NJOIT, whether in the classified, unclassified, or senior executive service.
- C. "NJOIT" means the New Jersey Office of Information Technology.
- D. "Special state officer or employee" means any person holding an office or employment in the NJOIT, for which office or employment no compensation is authorized or provided by law or no compensation other than a sum in reimbursement of expenses is authorized or provided by law.
- E. "Doing business with the NJOIT" means direct and indirect dealings with the New Jersey Office of Information Technology. This also includes dealings involving

other state agencies in which the NJOIT may have a direct or indirect role or involvement in the transaction.

III. DUTIES RELATED TO PERFORMANCE OF OFFICE AND EMPLOYMENT

- A.** No employee or special state officer or employee shall knowingly act in any way that might reasonably create an impression or suspicion among the public that he or she is engaged in conduct that may be in violation of his or her trust as a public employee.
- B.** No employee or special state officer or employee shall use his or her position to secure unwarranted privileges, benefits, or advantages for themselves or others.
- C.** No employee or special state officer or employee shall act in an official capacity in any matter wherein he or she has a direct or indirect interest, financial or otherwise, which might reasonably be expected to impair his or her objectivity and independence of judgment.
- D.** No employee or special state officer or employee shall use or disclose for any purpose confidential information acquired in the course of employment or acquired through unauthorized disclosure by another.
- E.** No employee or special state officer or employee shall use the NJOIT personnel, property, supplies or information to in any manner further private interests or satisfy private obligations.

IV. OUTSIDE INTERESTS/EMPLOYMENT ACTIVITIES

- A.** No employee or special state officer or employee shall have any direct or indirect interest, financial or otherwise, or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of duties or interferes with the operation of the NJOIT.
- B.** No employee or special state officer or employee shall engage in any business, profession, trade or occupation which is subject to licensing or regulation by a state agency without first filing a notice of such activity with the Executive Commission on Ethical Standards and a copy of the notice with the NJOIT Ethics Liaison Officer.
- C.** No employee or special state officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to

impair the objectivity and independence of judgment required in public employment or to interfere with the operation of the NJOIT.

- D.** No employee or special state officer or employee shall engage in any outside employment or service or maintain any outside business interest, whether or not for compensation, without first submitting a written request for approval to the NJOIT Ethics Liaison Officer. The approval of such outside activity shall not be unreasonably withheld.
- E.** No employee or special state officer or employee shall make use of his or her office or employment for the purpose of promoting or advertising any off-duty activity.
- F.** Employees and special state officers or employees are free to engage in volunteer activities on behalf of nonprofit charitable, religious, sports, and professional organizations unless such activities could reasonably be expected to impair or appear to impair their independence and objectivity of judgment in the exercise of their official functions.
- G.** No employee or special state officer or employee shall place his or her state phone number or state e-mail address on business cards, stationery etc. that represent second employment.
- H.** No employee or special state officer or employee shall either personally or through any person or entity undertake or execute any contract, agreement, sale or purchase valued at \$25.00 or more with any state agency, except as otherwise provided by statute and approved by the NJOIT Ethics Liaison Officer.
- I.** Employees or special state officers or employees who have direct or substantial contact with any consultants or vendors doing business with NJOIT must refrain from circulating resumes or in any manner seeking employment with those firms until such contact ceases.
- J.** After leaving employment in NJOIT, no employee or special state officer or employee shall represent, appear for, negotiate on behalf of, or provide information or services not generally available to the public to anyone regarding any cause, proceeding, application or other matter with respect to which the employee shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his or her employment.

V. POLITICAL ACTIVITIES

- A.** No employee or special state officer or employee shall engage in political activity during the hours of duty or at any other time so as to interfere with the operation of the NJOIT. Similarly, the use of state equipment or the placement of calls from state phones in support of political activities is prohibited.
- B.** No employee or special state officer or employee shall place his or her state phone number or state e-mail address on business cards, stationery etc. that represent or support political activities.
- C.** Any employee or special state officer or employee who intends to be a candidate for or hold any elected or appointed public or political party office shall give written notice of such activity to the NJOIT Ethics Liaison Officer.

VI. GIFTS/ATTENDANCE AT CONFERENCES

- A.** No employee or special state officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might reasonably be inferred that such gift, favor, service or other thing of value was given or offered for the purpose of influencing him or her in the discharge of his or her official duties.
- B.** An employee or special state officer or employee shall immediately report to the NJOIT Ethics Liaison Officer any offer of employment or of any gift, favor, meal, service or other thing of value made with the purpose of influencing the performance of his or her duties or made because of his or her status as an employee or special state officer or employee by a person or organization with whom the employee or special state officer or employee has had contact in his or her official capacity. No such offer or gift or benefit shall be accepted or transferred by an officer or employee prior to receiving approval from the NJOIT Ethics Liaison Officer.
- C.** Unsolicited gifts or benefits of nominal value such as complimentary articles offered to the public in general are presumed not to violate the provisions of paragraphs A and B of this section unless circumstances exist which create a reasonable doubt as to the intention with which the benefit or gift was offered. However, items such as mugs and wall calendars which display the logos of vendors and companies can create the impression of an endorsement and conflict of interest.
- D.** Any employee or special state officer or employee in receipt of an invitation to a business-related function (e.g., groundbreaking, meal, fund-raiser, appearance involving honorarium) from an individual or business doing business with the

NJOIT, or reasonably expected to do business with the NJOIT, should report the invitation to the Ethics Liaison Officer. A determination will be made as to whether acceptance of the invitation will present any problems of conflict relative to this Code.

VII. SPEECHES, PUBLIC APPEARANCES, AND WRITTEN PUBLICATIONS

- A.** No employee or special state officer or employee shall offer information related to his or her official duties for publication or broadcast, as a representative of the NJOIT or the State of New Jersey, without the written consent of the Chief Technology Officer and the NJOIT Ethics Liaison Officer.
- B.** An employee or special state officer or employee may not accept compensation for published work(s) created as part of her or her official duties on state time utilizing state resources, but may accept compensation for published works not created as part of his or her official duties.

VIII. PENALTIES

- A.** An employee or special state officer or employee who violates this Code shall be subject to removal, suspension, demotion or other disciplinary action by NJOIT and may also be subject to investigation by the Executive Commission on Ethical Standards and the penalties presently provided in N.J.S.A. 52:13D-21 or in any analogous statute subsequently provided by legislative action.
- B.** Any paraphrased restatements of criminal or civil statutes contained in this Code in no way constitute an interpretation or construction of them that is binding upon the NJOIT or the State of New Jersey. This Code does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations, or directives issued by the Chief Technology Officer. Nothing herein is intended to limit the authority of the Chief Technology Officer or the Commissioner of Personnel to impose or administer discipline on a NJOIT employee pursuant to the laws, rules, and regulations governing the status and discipline of employees and special state employees or to modify or abridge standards of conduct imposed by statute or law on the employees and special officers and employees of the NJOIT.
- C.** All employees and special state officers or employees are advised to strictly adhere to and seek advice from the Chief Technology Officer, the NJOIT Ethics Liaison Officer, or the Executive Commission on Ethical Standards if any questions arise concerning their obligations under this Code.

- D.** If an employee witnesses any behavior that may violate this Code of Ethics, it is the employee's duty to report it to the NJOIT Ethics Liaison Officer who will hold the report in confidence (under the Conscientious Employee Protection Act) and determine the appropriate course of action.

IX. EFFECTIVE DATE

This NJOIT Code of Ethics shall take effect immediately and supersedes any Code previously promulgated by the NJOIT.